

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

PBEV, LLC

Plaintiff,

V.

**HANSEN BEVERAGE COMPANY,
d/b/a MONSTER BEVERAGE
COMPANY**

Defendant.

CIVIL ACTION NO. CV-10-3526

JOINT MOTION TO STAY PENDING SETTLEMENT AND DISMISSAL

Plaintiff PBEV, LLC (“PBEV”) and Defendant Hansen Beverage Company d/b/a Monster Beverage Company (“Hansen”), (collectively, the “Parties”) jointly request that the Court stay all deadlines in this action for thirty days. In support of this Joint Motion, the Parties state as follows:

1. On October 21, 2011, the Parties reached an agreement to resolve all claims in this matter. The parties are currently working on finalizing the terms of the settlement.

2. Accordingly, the Parties request that the Court stay this action for thirty days. If the case is not dismissed within this time period, the Parties will submit a joint status report that (1) reports on the status of the case; and (2) contains deadlines for the final disposition of the case.

3. The Parties agree that a thirty day stay of this matter is an efficient use of the Court's and the Parties' resources.

WHEREFORE, the Parties request that the Court grant this Motion and stay this action for thirty days. A proposed order is attached.

Dated: November 8, 2011

/s/ Lauren Keller Katzenellenbogen

John B. Sganga, Jr.
Lynda J. Zadra-Symes
Lauren Keller Katzenellenbogen
Attorneys for Defendant HANSEN
BEVERAGE COMPANY, d/b/a
MONSTER BEVERAGE
COMPANY

OF COUNSEL:

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main St., 14th Floor
Irvine, CA 92614
Telephone: 949.760.0404
Fax: 949.760.9502
jsganga@kmob.com
lzadra-symes@kmob.com
lkeller@kmob.com

- and -

John A. Earnhardt ASB-3724-A49J
Bryan A. Coleman ASB-9940-R52C
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203-2618
Telephone: 205.254.1000
Fax: 205.254.1999
jearnhardt@maynardcooper.com
bcoleman@maynardcooper.com

/s/ Harriet Thomas Ivey (with permission)

Patricia Clotfelter

Harriet Thomas Ivey

Attorneys for Plaintiff PBEV, LLC

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

420 North 20th St.

1600 Wells Fargo Tower

Birmingham, AL 35203

Telephone: 205.328.0480

Fax: 205.322.8007

-and-

Mark M. Bettilyon

Samuel C. Straight

RAY QUINNEY & NEBEKER, P.C.

36 South State Street, Suite 1400

Salt Lake City, Utah 84111

Telephone: 801.532.1500

Fax: 801.532.7543

CERTIFICATE OF SERVICE

I certify that on November 8, 2011, the foregoing was served on the following via the Court's CM/ECF electronic notification system:

Attorneys for Plaintiff

Patricia Clotfelter

Harriet Thomas Ivy

Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.

420 North 20th St.

1600 Wells Fargo Tower

Birmingham, AL 35203

Mark M. Bettilyon

Samuel C. Straight

RAY QUINNEY & NEBEKER, P.C.

36 South State Street, Suite 1400

Salt Lake City, Utah 84111

/s/ Lauren Keller Katzenellenbogen
Lauren Keller Katzenellenbogen